

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

December 10, 2014

The meeting was called to order at 4:02 p.m. by Chairman Phil Conder at 3600 Constitution Blvd., West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Barbara Thomas, Clover Meaders, and Latai Tupou

ABSENT

Harold Woodruff

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, Jody Knapp, Kevin Despain, and Nichole Camac

AUDIENCE

Approximately twenty-three (23) people were in the audience

ZONE TEXT CHANGE APPLICATION

ZT-6-2014

West Valley City

Amending Section 7-6-1605 of the City Center Zone

This application was continued during the public hearing on November 12th. During the meeting on the 12th, Fred Cox expressed concern about the prohibition on automobile service. Included with this report is an email received from Mr. Cox outlining some suggested revisions. The Commission also discussed the possibility of removing fitness centers from the prohibited use list. Staff recommends that the proposed ordinance remain unchanged.

Staff is proposing an amendment to paragraph 2 of Section 7-6-1605 of the City Center (CC) Zone. This paragraph lists the prohibited uses in the Zone. The proposed amendment, which is attached to this report, expands the list of prohibited uses.

When the CC Zone was first adopted in 2006, it included ten purposes which are listed below:

1. Implement the goals set forth in the Fairbourne Station Vision within the General Plan.
2. Create a recognizable center or downtown for West Valley City.
3. Encourage and direct development that supports transit.
4. Encourage infill and redevelopment near the transit station by City Hall.
5. Create new opportunities for economic growth and redevelopment.
6. Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops.
7. Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit.
8. Enhance neighborhood identity by creating more choices such as walking, biking and shopping to residents that promote safety, friendliness and livability.
9. Provide a mix of housing types, costs and densities.
10. Promote architectural and site design treatments that enhance the visual appearance of development within the Zone.

The proposed amendment that expands the list of prohibited uses will further the purposes of the CC Zone specifically by encouraging development that supports transit, encouraging redevelopment and enhancing neighborhood identity. Each of the proposed additions to the prohibited use list falls into at least one of the following three categories:

Low Intensity Uses

Higher intensity uses have more people per square foot and support transit more effectively than lower intensity uses. Examples of low intensity uses include furniture stores and moving truck rental businesses.

Uses that Discourage Redevelopment

Since the adoption of the CC Zone, the City Center project (now known as Fairbourne Station) has been the highest priority project for the City. This is evidenced by the City's huge investment in staff time and capital for this project. To date the City has:

- Acquired nearly 60 properties – \$20 million
- Built new roads and the promenade park – \$11 million
- Facilitated mall renovation by assisting with demolition and infrastructure – \$10 million
- Secured funding for parking structure – \$16 million

To protect the City's investment and to further the City Center Zone purpose of promoting redevelopment, the City wants to discourage uses that would be incompatible with high quality uses like Class A office. Examples of uses that would be incompatible include bail bonds, blood plasma centers, laundromat and retail tobacco specialty store.

Uses that Already Exist Nearby

Fairbourne Station Vision that is adopted as part of the General Plan includes the goals of creating a mix of land uses, diverse shopping choices and a unique town center with a strong sense of place. Uses like supermarkets and movie theaters are already nearby and would not add to the diversity or uniqueness of the area.

The CC Zone area of 49 acres represents a small portion of the overall zoning that allows commercial uses. The following table lists the zones that allow some form of commercial use and the total acreage of each zone within the City. The zones listed in the table allow some or all of the proposed prohibited uses for the CC Zone. In other words, there are still opportunities for these uses to locate elsewhere in the City.

Zone	Total Acreage
Neighborhood Commercial (C-1)	43
General Commercial (C-2)	1,033
Transitional Commercial (C-3)	27
Business/Research Park (B/RP)	304
Mixed Use (MXD)	15
Manufacturing (M)	8,126

Staff Alternatives

1. Approval of the application as proposed to amend the City Center Zone.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

Applicant:

West Valley City

Opposed:

Fred Cox

4466 Early Duke Street

Discussion: Steve Pastorik presented the application. Barbara Thomas asked how many acres the City Center Zone consists of. Steve replied 49 and indicated it's a small area of the City where these specific regulations would apply.

Fred Cox, representing a property owner within the City Center Zone, stated that if automobile service is restricted the client would need to find other tenants and would not be allowed to operate. He indicated that this may result in a vacant property that will sit unused for the next 5 years which is when the contract expires. Mr. Cox stated that it's important for the City to create a scenario where a business could be open, operational, and generating tax. He indicated that the City is approaching the population of Salt Lake City and there are automobile uses in downtown Salt Lake that don't detract from the feel. Jack Matheson stated that the owner has had a lot of time to open this facility and would have been grandfathered in. Mr. Cox agreed but added that the property owner and tenant were unaware of this until recently when they were denied a business license.

Commissioner Matheson stated that on the north end of this zone there are height restrictions for buildings and he feels the additional restricted uses are good ones. Terri Mills stated that she is okay with it as presented but would prefer a list of desired uses instead of restricted ones. Commissioner Thomas stated that the auto use was noisy when it existed and caused a lot of concern with neighbors. She indicated she is satisfied with the list proposed as well.

Motion: Commissioner Thomas moved for approval.

Commissioner Tupou seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-ZT-6-2014- Approved

ZT-7-2014

Hillcrest Investment Company, LLC

Amending Section 7-22-104 of the Decker Lake Station Overlay Zone

Chris Howells with Hillcrest Investment Company, LLC is proposing an amendment to Section 7-22-104 of the Decker Lake Station Overlay Zone which includes a list of prohibited uses in the Overlay Zone. Hillcrest Investment Company, LLC is the owner of the Shops at Decker Lake, formerly known as Grizzly Plaza, located on both the northwest and northeast corners of 3500 South Decker Lake Drive.

Attached to this report is a letter from the applicant outlining the proposed amendment. In summary, the amendment would change the prohibited use of secondhand stores to secondhand stores over 6,000 leasable square feet. In other words, if this application is approved, secondhand stores with 6,000 square feet or less would be allowed in the Overlay Zone whereas they are currently prohibited. For reference, a secondhand store is defined as: “any location of a store, office or place of business which is engaged in the purchase, barter, exchange or sale of any secondhand merchandise of value or in the business of dealing in secondhand goods.”

While the proposed amendment will apply to the entire Overlay Zone, the applicant’s purpose in submitting this application is to allow a Kid to Kid store to locate within the Shops at Decker Lake.

The Decker Lake Station Overlay Zone was first adopted in 1996 at the time the Maverik Center and surrounding property began to develop. The stated purpose of the Overlay Zone is: “The Decker Lake Station Overlay Zone permits a full range of office, retail commercial and service uses which are oriented to serve the City as a whole. The Decker Lake Station Overlay Zone is intended to encourage uses in a planned commercial setting which will be compatible and complimentary with the existing entertainment, restaurant and hospitality uses as well as nearby residential neighborhoods. The Overlay Zone also promotes quality architecture that complements the Maverik Center and landscape themes.” The original Overlay Zone included a list of prohibited uses. This list was expanded in 2002 and again in 2013.

Staff supports this application in that we believe the addition of small secondhand stores will not detract from the area nor undermine the purpose of the Overlay Zone.

Staff Alternatives

1. Approval of the application as proposed.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

Applicant:

Chris Howells
5320 S 900 E
Suite 250
SLC, UT 84117

Applicant:

Merrick Wright
1390 Ambassador Way
SLC, UT 84108

Discussion: Steve Pastorik presented the application. Phil Conder asked where else secondhand stores could be located in the overlay zone with the exception of the Shoppes at Decker Lake. Steve replied that the space is limited since most of the area is already developed or planned for development. He indicated the Shoppes at Decker Lake will likely be the only location.

Chris Howells, the applicant, stated that the types of uses that fall under this category are very limited. He stated that they are traditional retailers that are conducive to shopping centers like this and can include stores like Kid to Kid or Game Stop. Mr. Howells stated that he feels the potential of uses provided with this change will fit in with the current mix of businesses and benefit the entire center. Chairman Conder stated that the remodel looks very good. Mr. Howells stated that the last piece will be to remodel the old Denny's. Commissioner Thomas asked how big the current Kid to Kid store is. Mr. Howells replied it is 3600 square feet.

Merrick Wright, representing Kid to Kid, stated that Kid to Kid has been a business within West Valley City for a very long time and would like to stay close to where their current business operates from. He indicated that Kid to Kid has acquired good quality customers and steady sales and added that the business would like to keep spacing between other stores intact. Barbara Thomas asked if outside display of merchandise is critical to the success of the business. Mr. Wright replied that it is very helpful. Commissioner Thomas stated that she doesn't like the idea of outside display in this area. Mr. Wright replied that this is determined by the landlord. Jody Knapp added that the only requirement the City has is that outside display be kept out of the setback, pedestrian paths, and cannot take up any parking stalls. Latai Tupou asked how the 6,000 square foot number was reached. Mr. Merrick replied that it gave the ability for Kid to Kid to expand but the lease in the new location is only 3,600 square feet. Mr. Howells added that he wanted flexibility for potential tenants.

Motion: Commissioner Matheson moved for approval.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	No
Commissioner Tupou	Yes
Chairman Conder	Yes

Majority-ZT-7-2014- Approved

SUBDIVISION APPLICATIONS

S-29-2013

**Stonebridge Commerce Park Subdivision
4100 West Links Drive**

M Zone
4 Lots
8.5 Acres

BACKGROUND:

Brandt Bird, representing Mountain Oasis Holding Ltd., is requesting consideration to modify the original Stonebridge Commerce Park Subdivision. The Stonebridge Commerce Park Subdivision was approved by the Planning Commission in December 2013. The subdivision plat however, has not been recorded. The original subdivision consisted of 2 lots on 8.5 acres. After re-evaluating the project site, a determination has been made to add two additional lots. The subject property is presently vacant and is located north of Links Drive and east of Commerce Center Drive.

ISSUES:

The proposed subdivision is being requested in order to divide the existing property into 4 lots. It is expected that the future uses here will be light manufacturing and office. Access will be gained from Links Drive and from Commerce Center Drive.

The Planning Commission may remember that Links Drive and Commerce Center Drive were dedicated as part of the first phase of the 201 Commerce Center Subdivision. The cross section which will be used for both streets is a 66-foot right-of-way. A parkstrip and sidewalk will be located on the east side of Commerce Center Drive and on the north side of Links Drive.

Internal access will be accomplished by cross access easements. Although the subdivision plat will denote these easement locations, the developer will need to record documents that set forth the conditions upon which these easements will be used. Both Commerce Center Drive and Links Drive are dedicated streets and therefore maintained by the City.

The subdivision does contain a flag lot. Lot 4 is designed as a flag lot, but just for water and sewer purposes. It is not anticipated that the stem to the flag lot will be used for access. Access will be provided between the buildings on Commerce Center Drive and Links Drive.

At a future date, staff will review either conditional use and/or permitted use applications. At that time, staff and agency comments will be more thoroughly addressed as part of the site plan review process. The subdivision plat will contain easements dedication of right-of-way and other information applicable to the division of property.

STAFF ALTERNATIVES:

1. Approve the Stonebridge Commerce Center Subdivision subject to a resolution of staff and agency comments.
2. Continue the application in order for the developer to address the Planning Commissions concerns.

Applicant:

Brandt Bird
2545 N 400 E
Provo, UT 84604

Discussion: Steve Lehman presented the application. Barbara Thomas asked what the dark images on the aerial photograph are. Steve replied that this site was previously used to produce landscaping material and he believes that is what it is.

Brandt Bird, the applicant, stated that the dark images are different materials that were chopped and used for landscaping. He added that the site used environmentally friendly dye that was put into the wood chips to add color and variety.

Motion: Commissioner Meaders moved for approval.

Commissioner Tupou seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-S-29-2013- Approved

S-20-2014

CVS West Valley Plaza Subdivision

3200 West 3500 South

C-2 Zone

2 Lots

2.8 Acres

BACKGROUND

Utah CVS Pharmacy LLC, is requesting preliminary and final subdivision approval for a commercial subdivision in the C-2 Zone. The subject property is located on the northeast corner of 3200 West and 3500 South.

ISSUES:

The CVS Pharmacy submitted a permitted use application in 2013. The project site consisted of multiple parcels, but did not include the existing car wash and inspection/emission parcels. As a condition of the permitted use, staff requested that CVS consolidate all of the parcels into one development parcel. CVS chose to leave the portion adjacent to 3200 West undeveloped with a future expectation of subdividing this area along with the two corner parcels.

The purpose for the commercial subdivision is to now divide the existing parcel, along with the two corner parcels into 2 subdivision lots. Lot 1 (CVS Pharmacy) will consist of 2.04 acres while lot 2 will consist of .80 acres. Access will be gained from the drive approaches approved during the permitted use process along 3500 South and 3200 West.

Due to this application being a commercial subdivision, staff and agency comments regarding site design will be better addressed through the permitted and/or conditional use processes. This application is simply to divide the parcel into developable lots and to create cross access, parking and storm drain easements.

STAFF ALTERNATIVES:

Approve the CVS West Valley Plaza Subdivision subject to a resolution of staff and agency comments.

Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Leslie Morton

Discussion: Steve Lehman presented the application. Leslie Morton, representing the applicant, stated that there will be cross access easements but shared parking is probably not likely. She indicated that any use will meet City requirements on site. Phil Conder asked if there are any potential tenants. Ms. Morton replied there are none yet but the next step will be to tear down the existing buildings and make the site more appealing for sale. Jack Matheson stated that he is concerned about the access on 3200 West. Ms. Morton replied UDOT created the strange jog in the curb when they expanded 3500 S. She added that access will be evaluated when a developer comes in for site plan approval. Terri Mills stated that there is a large mature tree that adds value to the site and questioned if it will remain. Ms. Morton replied she doesn't know that at this time. Commission Mills stated she would encourage this.

Motion: Commissioner Tupou moved for approval.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-S-20-2014- Approved

S-21-2014

Argus Subdivision

4390 South 4000 West

R-1-8 Zone

2 Lots

BACKGROUND

Sani Malicevic, is requesting preliminary and final plat approval for the Argus Subdivision. The proposed subdivision will divide an existing parcel into two lots. There is an existing dwelling on what will become lot 2 in the subdivision. Lot 1 will be created for a new single family dwelling. The subdivision is bordered on the north and west by the Fairlane Heights No. 7 Subdivision. The east by 4000 West and the south by Paskay Drive.

Fire Department:

- * Fire hydrant to be within 250 feet of the new dwelling.

Granger Hunter Improvement District:

- * Project will need to run availability for water, sewer and fire protection.
- * Subject to design and review inspections.

Utility Agencies:

- * Subject to all standard easements.

Public Works:

- * Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- * Will need to install public improvements along Paskay Drive. Improvements will consist of curb, gutter, sidewalk and street tie-in.
- * Revisions to the plat required.
- * Will need to coordinate subdivision name with County Auditor's Office.

Building Inspections:

- * Will evaluate ground water issues at the building permit stage.

ISSUES:

The applicant is proposing a new subdivision to be known as the Argus Subdivision. The proposal will create an additional building lot from an existing parcel. This property is not part of a formal subdivision, but is located adjacent to the Fairlane Heights No. 7 Subdivision to the north and west.

The subdivision will consist of 2 lots on .56 acres. The existing dwelling was constructed in 1949 and will remain on what will be lot 2. An existing detached garage located on lot 1 will be removed and replaced with a future single family dwelling. Lot 1 is approximately 8,341 square feet with lot 2 being 10,582 square feet. Both the area and frontage requirements exceed City standards in the R-1-8 zone.

Access to the subdivision will be gained from 4000 West and from Paskay Drive to the south. All public improvements along 4000 West are currently in place. The applicant will need to coordinate new improvements along Paskay Drive. Said improvements will tie in with the existing improvements on 4000 West and to the west of lot 1.

The applicant will need to address the potential of ground water impacts at the time of a new building permit. The Building Official, in conjunction with the Engineering Division will do an on site investigation and will evaluate surrounding development to determine if a soils report is needed.

STAFF ALTERNATIVES:

- A. Approval of the Argus Subdivision subject to a resolution of staff and agency comments.
- B. Continue the application to address issues raised during the public h

Applicant:

Sani Malicevic
1155 E 2100 S

Discussion: Steve Lehman presented the application. Terri Mills asked if lot two has enough room for a detached garage. Steve replied yes and indicated there is enough room on the north side of the property which will allow access from either Paskay Drive or 4000 W. He added that there is an electricity pole that can restrict the location but there is still plenty of room. Sani Malicevic, the applicant, stated that a curb, gutter, and sidewalk will improve the look of the area.

Motion: Commissioner Thomas moved for approval.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-S-21-2014- Approved

Commissioner Mills was excused due to a family emergency.

CONDITIONAL USE APPLICATIONS

Amerifleet Transportation (George Gunderson)

3955 S Redwood Road (south portion of lot)

Use: Vehicle Leasing and Fleet Maintenance

C-2 zone (total property: 3.66 acres; Amerifleet; 0.81 acres)

The applicant, George Gunderson, representing Amerifleet, is requesting conditional use approval for Vehicle Leasing and Fleet Maintenance at 3955 S Redwood Road. The zoning for this site is C-2, General Commercial. The servicing and leasing of automobiles is a conditional use in this zone. All the properties along this portion of Redwood Road are zoned C-2. The properties to the east are residential. The General Plan anticipates Mixed Use which includes medium density residential, offices, and commercial uses. The building and site were developed back in 1993, as part of a conditional use approval for car sales and a service garage as C-33-1992. This application, C-65-2014, will be a separate use.

Amerifleet maintains and services the fleet vehicles for corporations and other companies. They take part in the lease process to assist in delivery and pickup of corporate vehicles. They also provide ancillary services for the vehicles such as oil changes at Pep Boys, windshield repair at Safelite, body repair at local body shops. Mechanic or direct servicing of the vehicles will not occur on site. Amerifleet operates as an office in the basement of the building. They run Monday through Friday from 7 am to 3:30 pm with one full time employee and two part time staff. On average, they rotate 35 to 50 cars at any one time.

The site is already developed as a car sales lot. Amerifleet will occupy the southern portion of the property. The overall site is shared with an auto auction company. Amerifleet's portion of the lot is in decent shape. The parking area is full of weeds which will need to be taken care of. It is advised that Amerifleet rope or

chain off their parking area to prevent confusion with the auto auction group. Amerifleet has 5 stalls for customer and employee parking which is adequate for their office use.

This office does all local pickups and deliveries. Out of area vehicles are transported by outside Amerifleet drivers. Vehicle transporters will routinely come to site to conduct pickups and deliveries. The transporters will access the site from the north side of the building and come in from behind.

No signage is proposed for this use except for a small sign above the walkout basement which directs customers to the office in the basement.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. Precautions shall be taken to delineate Amerifleet vehicles from other businesses on site.
2. Landscaping shall be maintained in good condition. Parking areas shall remain free of weeds or potholes at all times.
3. All requirements of City departments and City ordinance shall be met.

Continuance, to allow the applicant additional time to address the concerns raised at the public hearing.

Applicant:

George Gunderson
3955 S Redwood Road

Discussion: Kevin Despain presented the application. George Gunderson, the applicant, stated that it's difficult to say how long vehicles will stay on the lot. He indicated it could be as short as one day and as long as one month. Mr. Gunderson stated that all services are done elsewhere in West Valley City and will not be conducted on site. He added that a maintenance crew has been hired and the landscaping and weeds will be cleaned up. Mr. Gunderson stated that his business primarily does titles, licensing, transporting, and basically acts as a staging area. Jack Matheson asked if there are any security concerns. Mr. Gunderson replied there have never been any problems and added that the front gate to the overall property locks at night. Barbara Thomas asked if part time employees will deliver vehicles. Mr. Gunderson replied yes.

Motion: Commissioner Thomas moved for approval subject to the 3 items listed by staff.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Excused
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-C-65-2014- Approved

C-67-2014

T-Mobile (Rock Schutjer)

3200 S. Decker Lake Dr.

C-2 Zone (29 Acres)

Sprint is requesting a conditional use amendment for the construction of additional roof mounted antennas at 3200 S. Decker Lake Drive. This property is zoned general commercial (C-2) and is located within the Decker Lake Station Overlay Zone which requires all new development to be reviewed as a conditional use. The West Valley City General Plan designates this area as Entertainment. The surrounding zone is M to the north and C-2 on all other sides. Hollywood Connection is located to the east, a hotel is to the north and south and the west side of the property is adjacent to I-215.

Currently, Sprint has three (3) roof mounted antennas located at this facility behind an existing screen structure. Sprint would like to add an additional three (3) antennas and expand the stealth enclosure. The existing enclosure measures 6'1 3/4" wide and is 9' 10 7/16" tall. The proposal would be to expand the width of that enclosure by 3' 10 1/4" to a new total width of 10'. The current antennas are 72" in height and the new 2.5 MHz antennas are 61" so an increase in height for the screen is not necessary. The new screen would be painted to match the existing enclosure and building.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The antennas and enclosure shall be installed per the approved plans.
 2. The stealth enclosure addition shall be painted to match the material and colors of the existing enclosure and building.
 3. Must comply with all other relevant requirements set forth from applicable department and agencies.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Rock Shutjer

4304 S Wander Lane

Discussion: Jody Knapp presented the application. Rock Schutjer, representing the applicant, stated that Sprint is upgrading their equipment and will be adding a new frequency that requires additional antennas. He indicated that the new antennas will be concealed and won't look any different than what is currently on the roof now. Phil Conder asked how many antennas there are on the Maverik Center. Mr. Schutjer stated that he isn't sure of the exact number but would guess at least 6 antennas for at least 4 different carries.

Motion: Commissioner Tupou moved for approval subject to the 3 items listed by staff.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes

Commissioner Mills	Excused
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-C-67-2014- Approved

C-68-2014

Jordan Valley Medical Center (Colonial Flag)

3460 S Pioneer Parkway

Use: Flag Pole (for advertisitng)

C-2 zone (18.03 total acres)

The applicant, Colonial Flag on behalf of Jordan Valley Medical Center, is requesting a conditional use amendment for new flag poles at 3460 S Pioneer Parkway. The zoning for this site is C-2, General Commercial. The West Valley General Plan designates this area as General Commercial. The zoning for all the surrounding properties is C-2, General Commercial except for the West Crest mobile home park to the west which is Residential Mobile Home (RMH).

The West Valley City Sign Ordinance in section 11-5-101, "Miscellaneous Signs", outlines regulations for flag poles. Paragraph (1) reads, "*Flags with permanent anchors and/or foundations may be located in all zones. Flags shall be approved by the Planning Commission through the Conditional Use process. These flags shall generally not be located within 20 feet of the front property line, unless approved otherwise by the Planning Commission.*"

Jordan Valley Medical Center requests to replace a single flag pole along 3500 S with three new flagpoles. The new poles will be 20 feet back from the sidewalk edge in landscaped area near the south entrance of the hospital. The signs will be 40', 40', and 45' tall respectively.

The three flagpoles will fly the following flags:

- 45' pole – flying a 10' X 15' US flag
- 40' pole – one will fly an 8' X 12' Utah state flag
- 40' pole – one will fly an 8' X 12' hospital flag (as shown in renderings)

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. A building permit shall be acquired with West Valley City Building Inspection for all three flag poles. Flags shall be located according to the approved site plan.
2. All provisions of the West Valley City Sign Ordinance shall be met.
3. U.S. Flags shall be displayed in accordance with the United States "Flag Code" section 36.10.176.

Continuance, to allow the applicant additional time to address the concerns raised at the public hearing.

Applicant:

Jack Van Schelt
9390 S 300 W

Applicant:

Terri Wing
9390 S 300 W

Discussion: Kevin Despain presented the application. Terri Wing, the applicant, stated that the placement of the existing flagpole will be moved to the northwest side of the property in front of the

medical center building. Barbara Thomas asked if the hospital flag will include the West Valley City Campus portion of the name. Ms. Wing replied yes.

Motion: Commissioner Fuller moved for approval subject to the 3 staff conditions.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Excused
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-C-68-2014- Approved

C-69-2014

Western Garden Center - Receptions

4050 W. 4100 S.

C-1 Zone (2.45 Acres)

Western Garden Center is requesting a conditional use amendment for a reception center. This property is zoned neighborhood commercial (C-1) and the West Valley City General Plan designates this area as Neighborhood Commercial. The surrounding zone is R-1-8 to the north and west and C-1 on all other sides. There are single family homes to the north and west, and retail strip centers to the east and south, across 4100 South.

In 2010, Western Garden Center requested that the City Code be amended to add “reception centers as an accessory use to a garden center” as a conditional use in the C-1 zone. That amendment was granted so they are now at this time submitting the conditional use application for review.

The reception use is proposed within the existing 6,722 square foot garden center retail area. The space that would be designated for receptions would be approximately 3,000 square feet within the south side of the building. Permanent partitions will not be installed so the space will be delineated with kiosks and plant walls. No other modifications to the exterior of the building or site are proposed as part of this application.

The typical hours of operation for this use are 5:00 p.m. – 10:00 p.m. and there will be no alcohol served at this facility. This use is located within 500’ of residential property so those hours are in compliance with requirements set forth in section 7-6-1012 which is as follows:

7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or club licensee to permit any singing, dancing, Indoor or Outdoor Public Recreation, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o’clock P.M. (10:00) P.M. and before six o’clock (6:00) A.M. This restriction should be extended to two o’clock (2:00) a.m. on January 1 of year for New Year’s Day.

(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

There are 131 parking spaces on site that are shared between the Garden Center and the attached retail use. With the current mix of tenants, including 3,000 square feet of reception center, 110 spaces are required.

Signage is existing and will not be modified for this use. The landscaping is also existing on site and will not be modified however some areas are in need of maintenance. If this use is approved, another site review will be conducted as part of the business license process so the site conditions will be evaluated again at that time to verify compliance.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The reception area shall be developed per the approved plans and shall not occupy more than 3,000 square feet of the existing garden center building.
 2. The property shall be kept properly maintained and in good condition.
 3. Must comply with all relevant requirements set forth in the West Valley City Code including but not limited to section **7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.**
 4. Must comply with all other relevant requirements set forth from applicable department and agencies including but not limited to the West Valley City Building Inspection Department.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Michael Clayton

Neutral:

Veronica Meader

Neutral:

Laura & Juan Gomez

4033 S 4100 W 4063 S 4100 W

Discussion: Jody Knapp presented the application. Jody stated that Western Gardens does not hold an alcohol license and will not be serving alcohol. She stated that a private party can bring in alcohol if they choose but this is not regulated by the City or State. Phil Conder asked if a licensed bartender will have to be provided. Jody replied that this is not required by the City but is required by Western Gardens. Barbara Thomas asked if any concerns have been received regarding noise. Jody replied that the ordinance requires that the reception center close at 10 pm. She added that Western Gardens has been doing receptions for 7 years at other locations and seem to have a good handle on noise. Jody stated that there is only a speaker inside and there are no live bands. She added that there are 2 employees that will remain inside and one employee who will be outside to watch the parking lot and ensure there are no problems. Latai Tupou asked if there are enough parking spaces. Jody replied there are 131 on site and the minimum required is 110. She added that other retail locations on the site close around 7 pm which should alleviate any parking concerns.

Michael Clayton, the applicant, stated that he will ensure all State, City, and personal requirements and regulations are always met. He indicated that a licensed and insured bartender is required by Western Gardens because any problems or accidents can fall back onto the reception center if certain care is not taken. Chairman Conder asked how it is determined whether a reception will be serving alcohol. Mr. Clayton replied that it is part of a contract. Jack Matheson asked if there is inside catering. Mr. Clayton replied no. Commissioner Matheson asked if any overflow is anticipated. Mr. Clayton replied no and indicated that the average wedding is 300 people with an open house reception. He stated there will be plenty of seating inside and the parking attendant outside will

ensure parking goes smoothly and groups aren't loitering. Latai Tupou asked if products are removed during the ceremony. Mr. Clayton replied that nicer items will be kept out but everything else will be moved to a different location in the store. Chairman Conder asked if purchases will be allowed. Mr. Clayton replied no. Commissioner Tupou asked if merchandise not on display for the ceremony will be separated and petitioned off. Mt. Clayton replied no but added that there are two attendants inside who will ensure people don't go to locations that are not part of the wedding. Clover Meaders asked if this is difficult with children running around. Mr. Clayton replied that there is a children's room with activities.

Veronica Meader, a neighbor, asked if weddings will take place on Sunday. Mr. Clayton replied that there has only been one wedding on a Sunday in the last two years. He indicated it is not in the paperwork or provided in pricing brochures. Ms. Meader asked if a wedding did occur on a Sunday if it could still go to 10 pm. Chairman Conder replied yes due to the ordinance. Jody agreed and added that the only night that allows extended hours is New Years Eve which is 2 am.

Laura Gomez, a neighbor, stated that her home has been affected by the light installed on the Western Garden property in the parking lot. She stated that this is inconvenient and she is now concerned that loud music and more lighting will affect the ability to utilize her backyard and interfere with her children's sleeping. Juan Gomez, her husband, agreed and added that their children go to bed at 8 pm and he is concerned about them hearing people talking in the parking lot as well. Ms. Gomez stated that there is also an intercom system that is used daily and is very loud and can be heard constantly throughout her home. Mr. Clayton stated that he was unaware of additional lighting being added to the parking lot but indicated that he will look into this and try to mitigate this problem. He added that music should not be a concern since a small directional speaker is used and music typically cannot even be heard out the front door. Mr. Clayton stated he was unaware of the intercom problem too and will look into getting this resolved as well.

Motion: Commissioner Matheson moved for approval subject to the 4 staff conditions.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Excused
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-C-69-2014- Approved

C-70-2014

Furst Construction

187 Unit Assisted Living Facility

2940 West 3650 South

CC Zone (2.72 acres)

Furst Construction is requesting conditional use approval to develop an assisted living facility on 2.72 acres at 2940 West 3650 South. The property is zoned CC (City Center) and is designated as very high density residential or office in the Fairbourne Station Vision which is part of the City's General Plan. Surrounding uses include the City's promenade park to the north, two story condos to the west, single family homes to the south and the West Valley Library to the east.

The proposed building contains 187 units, 58 of which will be memory care units. The height of the building ranges from 2 to 5 stories with the 2 story portion being closest to 3650 South. The basement level of the building includes 68 parking spaces, 7 units and support facilities. Given the grade changes of the property, the basement level is underground on the south end of the building and mostly at grade on the north end. The main level includes 54 units; kitchen and dining areas and amenity areas including a library, theatre, salon and an outdoor landscaped courtyard. The second level also includes 54 units along with additional dining space, activity areas and physical therapy. The third level includes 36 units and two roof top gardens. Finally, the fourth level also includes 36 units.

Background

Up until earlier this year, the property was developed as a medical office complex of three buildings with the first building being built in 1973. Over the last several years the buildings were vacant and the property fell into disrepair. Given the poor condition of the property and complaints the City was receiving from neighbors, the City partnered with the property owner to demolish the site earlier this year.

The City is working with the property owner to acquire the north 40' of the subject property for the second phase of the promenade park. The applicant is showing only landscaping on the north 42' of the property.

Project Review

The sections below outline the purposes and main standards in the CC Zone and how this development measures up. Also addressed are grading and drainage issues.

City Center Zone Purposes

The following is a list of purposes from the CC Zone (underlined) as well as a brief description of how the assisted living development meets the stated purpose:

- Create a recognizable center or downtown for West Valley City. This project adds a five story building with architecture that varies from the Embassy Suites and the Residences at Fairbourne Station. The ordinance encourages architectural variety.
- Encourage and direct development that supports transit. Many residents of the facility will not have cars and support staff may also use transit.
- Encourage infill and redevelopment near the future transit station by City Hall. The property is approximately 500' from the bus hub and about 700' from the Trax and BRT stations.
- Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops. According to Salt Lake County Assessor records, this project is replacing 20,729 square feet of medical office with well over 100,000 square feet of assisted living.
- Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit. This is the only assisted living building in Fairbourne Station.
- Provide a mix of housing types, costs and densities. This project will expand the mix of housing options.
- Promote architectural and site design treatments that enhance the visual appearance of development within the Zone. The proposed assisted living building meets or exceeds the architectural standards in the ordinance.

Parking

The parking ordinance requires 0.6 parking spaces per unit for assisted living. However, the CC Zone allows a 10% reduction to the parking requirements, resulting in 100 required parking spaces. The ordinance also states: "The number of parking spaces required by these schedules may be reduced or increased as a condition of the development review by the Planning Commission for conditional use applications or as

approved by the Zoning Administrator or designee for permitted uses if it can be demonstrated through a parking study that the proposed use(s) would have a parking demand less than or in excess of the requirements stated in this Chapter. This parking study must be validated through empirical evidence, which is acceptable to the Zoning Administrator or designee, from similar uses.”

The applicant has indicated that the residents of the 58 memory care units will not be able to drive and will therefore not have cars. For this reason they are proposing 80 parking spaces. Staff has requested a letter from the applicant that supports their request to reduce the required parking to 80 spaces. At the time this report was prepared, staff had not received the letter.

Architecture

1. For materials, the building exterior includes, brick, stone and stucco, which are allowed materials in the zone. The CC Zone allows a maximum of 60% stucco. The architect working to confirm this percentage and staff will ensure that the exterior meets the ordinance.
2. For building relief, the ordinance requires at least two treatments on the south side and at least one on all other sides. The building employs building offsets/projections, brick and stone vertical elements and recessed windows on all four sides. Balconies are also included on three sides.
3. For window treatments, the ordinance requires at least two window treatments on the south side and at least one treatment on all other sides. The building has a variety of window sizes, window sills and headers, window grids, and window trim on all four sides.
4. For design treatments, the ordinance requires at least two design treatments on the south side and at least one treatment on all other sides. The building includes a change of materials, a decorative parapet and scored stucco on all four sides of the building.
5. For height, the ordinance requires a minimum of 2 stories and a maximum of 3 stories within 100’ feet of 3650 South. The minimum building height for all other buildings is 5 stories. The building is 2 stories within 100’ of 3650 South and then steps up to 5 stories.
6. The building width at the setback needs to be at least half the lot width. The submitted plans were several feet shy of this requirement. The ordinance also requires at least one primary entrance facing the street. The architect is aware of these requirements and will amend the plans to comply.

Amenities

For a project of this size, the ordinance requires a minimum of seven amenities from the list in the ordinance with at least four of the seven being major amenities. This project has eight major amenities – courtyard, garage parking, on-site manager, fitness room, community library, community room with kitchen, community game room and community cinema.

Open Space and Landscaping

The ordinance requires a minimum of 20% of the lot as open space/landscaping. This project has a landscape area of approximately 35%. Assuming the City is successful in acquiring the north 40’ for the second phase of the promenade park, the site will still have 23% landscaping.

Fencing

The site plan does not call out any new fencing. However, the applicant has indicated that fencing will be needed to secure the facility. A 6’ tall masonry wall is required along the west property line adjacent to the Edgewood Condos. An existing chain link fence with vinyl slats exists along the east side of the Edgewood Condos; however, it appears from the assisted living site plan that the fence is west of the property line. To avoid a gap between fences, staff recommends that the applicant work with the Edgewood Condo Association to replace the existing chain link fence with slats with a masonry wall placed on the property line.

Streetscape

The ordinance requires a 5' sidewalk along 3650 South as well as streetlights meeting the City's standards. The existing sidewalk needs to be replaced with a 5' sidewalk and the existing cobrahead streetlights need to be replaced with the new acorn style streetlights.

Grading and Drainage

There are a few unresolved grading and drainage issues that may affect the site plan. Staff is meeting with the applicant's design team prior to the public hearing to hopefully resolve these issues.

Staff Alternatives

1. Approval of the conditional use subject to the following conditions:
 - a. All requirements of the CC Zone and all other City ordinances shall be met. The number of parking spaces is approved at 80.
 - b. A pedestrian connection shall be provided to the promenade park to the north.
 - c. All requirements of other affected departments and agencies shall be met.
2. Continuance, for reasons determined during the public hearing.

Applicant:

Adam Maher
708 W North Temple

Neutral:

Carol Jacobs

Applicant:

Shane Ericson

Discussion: Steve Pastorik presented the application. Barbara Thomas stated that she is concerned about the road sloping down to the north and asked how this road will be cleared in the winter. Steve replied that it is privately owned so this will be the responsibility of the property owner. He added that he isn't sure where the snow will be pushed to and stored. Commissioner Thomas asked if the garage door will always be open or if it will be closed and can only be accessed by residents. Steve replied he suspects it will be closed due to the security of the site. Brent Fuller asked if the park will continue through this property to the north. Steve replied that the City can't require the extension but is working with the applicant to purchase property to extend the sidewalk. He indicated there would be a fence installed where the driveway is to maintain security of the property but there would be a sidewalk so residents could access the park. Latai Tupou asked if the memory care unit patients are separated from the rest of the facility. Steve replied that there are specific areas on the second and third floors where these patients will reside.

Adam Maher stated that the site plans and floor plans have been extensively evaluated and modified to meet the requirements of the City and the desired appearance and layout for the applicant. Mr. Maher stated that the Board of Health sent Steve an email regarding parking within the last hour and they feel the 80 stalls will be sufficient based on the memory care portion of the center. He added that assisted living facilities do not see a lot of traffic and visitors will likely park on the main level while employees and any residents who have cars will park underground. Phil Conder asked what type of fence is envisioned. Mr. Maher replied that it will be some type of ornamental fence that will enhance the façade of the building and also provide views into the park. Mr. Maher stated that the grade change is only 3% at its steepest and snow removal hasn't been discussed yet but he indicated that he doesn't see this ever being a concern or problem. Clover Meaders asked if there is a shuttle service provided to residents. Mr. Maher replied yes and indicated that there will eventually be 3 or 4 shuttles that will take residents to various activities and allow them to utilize the many amenities in the area. Commissioner Thomas asked what type of wall will be provided to the west. Steve replied that the City requires a masonry wall on properties that border residential zones. Commissioner Thomas asked if there will be a gate with resident access into the park. Mr. Maher replied yes. Commissioner Tupou asked if there will be access to the library. Mr. Maher replied that the library can be accessed by the park. Commissioner Matheson asked if an elevator will be provided to all levels. Mr. Maher replied yes.

Carol Jacobs, a neighbor living in the condos to the west, clarified that the fence separating the two properties will be solid. Chairman Conder replied yes. Ms. Jacobs asked if the slope will cause any flooding onto the condo property. Steve replied that the ordinance requires that all water be detained on the property and then drained in the storm drain system. He stated there will not be any runoff onto other properties.

Steve asked the applicant what the anticipated staffing levels are. Shane Ericson, the applicant, stated that during the busiest time of day there will likely be 15 CNA's, 5 kitchen staff, and 3 managers for around 20-22 employees. He indicated that the most crowded time of year is around Christmas and Easter when families come visit and stated that he feels confident the site will be sufficiently parked. Steve agreed and indicated it appears enough parking stalls are being provided as suggested by the Board of Health in their letter.

Commissioner Matheson stated he feels like this will be a nice addition to the City and is something that is needed. Commissioner Thomas agreed.

Motion: Commissioner Matheson moved for approval subject to the 3 staff conditions.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Excused
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-C-70-2014- Approved

PLANNING COMISSION BUSINESS

Approval of Minutes from November 12, 2014 (Regular Meeting) **Approved**

Approval of Minutes from December 3, 2014 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:58 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant